

*Harbor Tide Waters, and Navi-  
gable Streams.*

*As Amended in Convention  
and Ordered Enrolled for  
a Second Reading February 14<sup>th</sup> 1879.*

ARTICLE —.

HARBOR FRONTAGES, ETC.

SECTION 1. The right of eminent domain is hereby declared to exist  
2 in the State to all frontages on the navigable waters of this State.

~~SEC. 2. No individual, partnership, or corporation, claiming or pos-  
2 sessing the frontage or tidal lands of a harbor, bay, inlet, estuary, or other  
3 navigable water in this State, shall be permitted to exclude the right of way  
4 to such water whenever it is required for any public purpose; and the Legis-  
5 lature shall enact such laws as will give the most liberal construction to this  
6 provision, so that access to the navigable waters of this State shall be always  
7 attainable, and that the people shall not be shut out from the same.~~

~~Section two, as amended by Mr. Ayers, and adopted:~~

[SEC. 2. No individual, partnership, or corporation, claiming or pos-  
2 sessing the frontage or tidal lands of a harbor, bay, inlet, estuary, or other  
3 navigable water in this State, shall be permitted to exclude the right of way  
4 to such water whenever it is required for any public purpose, nor to destroy  
5 or obstruct the free navigation of such water; and the Legislature shall enact

6 such laws as will give the most liberal construction to this provision, so that  
7 access to the navigable waters of this State shall be always attainable, and  
8 that the people shall not be shut out from the same.]

2 SEC. 3. All tide lands within two miles of any incorporated city or  
3 town in this State, and fronting on the waters of any harbor, estuary, bay, or  
4 inlet used for the purposes of navigation, shall be withheld from grant or sale  
5 to private persons, partnerships, or corporations; but sites for wharves, ware-  
6 houses, or other necessary incidents to commerce, may, upon application to  
7 the Board of Supervisors of the counties in which such sites are situated, and  
8 after due public notice of such application, be leased by such Boards for a  
9 term of years to such persons, partnerships, or corporations; *provided*, that  
10 nothing in this section shall apply to the tide lands of the Bay of San Fran-  
cisco.

~~Section three, as amended by Mr. Wyatt, and adopted.~~

2 [SEC. 3. All tide lands within two miles of any incorporated city or  
3 town in this State, and fronting on the waters of any harbor, estuary, bay, or  
4 inlet used for the purposes of navigation, shall be withheld from grant or sale  
5 to private persons, partnerships, or corporations; ~~but sites for wharves, ware-~~  
6 ~~houses, or other necessary incidents to commerce, may, upon application to~~  
7 ~~the Board of Supervisors of the counties in which such sites are situated, and~~  
8 ~~after due public notice of such application, be leased by such Boards for a~~  
9 ~~term of twenty years to such persons, partnerships, or corporations; *provided*,~~  
10 ~~that nothing in this section shall apply to the tide lands of the Bay of San~~  
~~Francisco.]~~

*Handwritten signature/initials*

*Copy and in Convention*

*James*

Amendment.

No. 402.

INTRODUCED BY COMMITTEE ON PREAMBLE AND BILL OF RIGHTS, WITH  
*As introduced in Convention*  
AMENDMENTS ADOPTED IN COMMITTEE OF THE WHOLE. *and reading*

*to be read and passed for a second time*  
*January 18, 1879*  
DRAFT FOR PREAMBLE AND DECLARATION OF RIGHTS.

### PREAMBLE.

We, the People of the State of California, grateful to Almighty God  
for our freedom, in order to secure and perpetuate its blessings, do establish  
this Constitution.

### ARTICLE I.

#### DECLARATION OF RIGHTS.

SECTION 1. All men are by nature free and independent, and have  
certain inalienable rights, among which are those of enjoying and defending  
life and liberty; acquiring, possessing, and protecting property; and pursuing  
and obtaining safety and happiness.

SEC. 2. All political power is inherent in the people. Government is  
instituted for the protection, security, and benefit of the people, and they have  
the right to alter or reform the same whenever the public good may require it.

SEC. 3. ~~We recognize~~ the Constitution of the United States *is the supreme*  
~~as the great charter of our liberties, and the paramount~~ law of the  
land.

(W)

SEC. 4. The free exercise and enjoyment of religious profession and <sup>be guaranteed</sup> worship, without discrimination or preference, shall forever ~~be allowed~~ in this State; and no person shall be rendered incompetent to be a witness or juror on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

SEC. 5. The privilege of the writ of habeas corpus shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require its suspension.

SEC. 6. All persons shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed; nor shall cruel or unusual punishments be inflicted.   Witnesses shall not be unreasonably detained, or confined in any ~~jail~~ room where criminals are actually imprisoned.

SEC. 7. The right of trial by jury shall be secured to all, and remain inviolate; but in civil actions,  

  three-fourths of the jury may render a verdict. A trial by jury may be waived in all criminal cases not amounting to felony, by the consent of both parties, in open Court expressed, and in civil cases by the consent of the parties, signified in such manner as may be prescribed by law. In civil cases, and cases of misdemeanor, the jury may consist of any number, less than twelve, that the parties may agree upon in open Court.

SEC. 8. Offenses heretofore required to be prosecuted by indictment, shall be prosecuted by indictment or by information, after commitment and examination by a Magistrate, as may be prescribed by law; but a grand jury shall be drawn and summoned, at least once a year, in each county.

SEC. 9. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right *to determine the*

*law and the fact.*

Indictments found or information laid for publications in newspapers shall be tried in the county where such newspapers have their publication office, or in the county where the party alleged to be libeled resided at the time of the alleged publication, unless the place of trial shall be changed for good cause.

SEC. 10. The people shall have the right to freely assemble together to consult for the common good, to instruct their Representatives, and to petition the Legislature for redress of grievances.

SEC. 11. All laws of a general nature shall have a uniform operation.

SEC. 12. The military shall be subordinate to the civil power. No standing army shall be kept up by this State in time of peace, and no soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, except in the manner to be prescribed by law.

SEC. 13. In criminal prosecutions, in any Court whatever, the party  
 2 accused shall have the right to a speedy and public trial; to have the process  
 3 of the Court to compel the attendance of witnesses in his behalf, and to appear  
 4 and defend, in person and with counsel. No person shall be twice put in  
 5 jeopardy for the same offense; nor be compelled, in any criminal case, to be  
 6 a witness against himself; nor be deprived of life, liberty, or property, with-  
 7 out due process of law. The Legislature shall have power to provide for the

8 taking *in the presence of the party accused*  
*and his counsel* of depositions of witnesses in criminal cases *other*  
*than cases of homicide* when there is reason to believe that  
*the witness from inability or other causes*  
*will not attend at the trial.*

SEC. 14. Private property shall not be taken <sup>or damaged</sup> for public use without  
 2 just compensation having been first made to or paid into Court for the  
 3 owner, and no right of way shall be appropriated to the use of any corpora-  
 4 tion other than municipal until full compensation therefor be first made in  
 5 money or ascertained and paid into Court for the owner, irrespective of any  
 6 benefit from any improvement proposed by such corporation, which compen-  
 7 sation shall be ascertained by a jury *unless a jury be waived*

*as in other civil cases* in a Court of record, as shall be pre-  
 8 scribed by law.

SEC. 15. No person shall be imprisoned for debt in any civil action,  
 2 on mesne or final process, unless in cases of fraud *nor in civil actions*

*or torts except in cases of wilful*  
*injury to person or property* and no person shall be  
 3 imprisoned for a militia fine in time of peace.

(87)

SEC. 16. No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall ever be passed.

SEC. 17. <sup>of the white race or of African descent</sup> Foreigners eligible to become citizens of the United States under the naturalization laws thereof, while bona fide residents of this State, shall have the same rights in respect to the possession, enjoyment, and inheritance of property as native-born citizens.

SEC. 18. Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this State.

SEC. 19. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable seizures and searches, shall not be violated; and no warrant shall issue, but on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons and things to be seized.

SEC. 20. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid or comfort. No person shall be convicted of treason unless on the evidence of two witnesses to the same overt act, or confession in open Court.

SEC. 21. No special privileges or immunities shall ever be granted  
which may not be altered, revoked, or repealed by the Legislature; nor shall  
any citizen, or class of citizens, be granted privileges or immunities which,  
upon the same terms, shall not be granted to all citizens.

SEC. 23. The provisions of this Constitution are mandatory and pro-  
hibitory, unless by express words they are declared to be otherwise.

SEC. 24. This enumeration of rights shall not be construed to impair  
or deny others retained by the people.

*New Section*  
*Sec. 25*  
*No property qualification shall*  
*ever be required for any person*  
*to vote or hold office*



Preamble + Bill of Rights

Bill of Rights. Dec 1791 + 1792

Bill of Rights

INTRODUCED BY COMMITTEE ON CORPORATIONS OTHER THAN MUNICIPAL.

*Convention*  
~~WITH AMENDMENTS ADOPTED IN COMMITTEE OF THE WHOLE~~*Ordered engrossed for a second reading**July 14 1879*~~RELATIVE TO~~ CORPORATIONS OTHER THAN MUNICIPAL.

## ARTICLE —

## CORPORATIONS:

1 [All laws now in force in this State concerning corporations, and all  
2 laws that may be hereafter passed pursuant to this section, may be altered  
3 from time to time, or repealed.]

1 SEC. 2. Dues from corporations shall be secured by such individual  
2 liability of the corporators and other means as may be prescribed by law.

1 SEC. 3. Each stockholder of a corporation, or joint stock association,  
2 shall be individually and personally liable for such proportion of all its debts  
3 and liabilities contracted or incurred during the time he was a stockholder, as  
4 the amount of stock or shares owned by him bears to the whole of the sub-  
5 scribed capital stock, or shares of the corporation, or association.]

1 The directors or trustees of corporations and joint stock asso-  
2 ciations shall be jointly and severally liable to the creditors and stockholders  
3 for all moneys embezzled or misappropriated by the officers of such corpora-  
4 tion, or joint stock association, during the term of office of such director or  
5 trustee.]

1 SEC. 4. The term corporations, as used in this article, shall be con-  
2 strued to include all associations and joint stock companies having any of  
3 the powers or privileges of corporations not possessed by individuals or part-  
4 nerships; and all corporations shall have the right to sue and shall be subject  
5 to be sued, in all Courts, in like cases as natural persons.

1 [SEC. 5. The Legislature shall have no power to pass any Act granting  
2 any charter for banking purposes, but corporations or associations may be

3 formed for such purposes under general laws; but no corporation, association,  
4 or individual shall make, issue, or put in circulation *as money, anything*  
5 *but the lawful money of the United States* ~~any bill, check, ticket,~~  
~~certificate, promissory note, or other paper, to circulate as money.~~]

SEC. 6. All existing charters, grants, franchises, special or exclusive  
2 privileges, under which an actual and bona fide organization shall not have  
3 taken place, and business been commenced in good faith at the time of the  
4 adoption of this Constitution, shall thereafter have no validity.

SEC. 7. The Legislature shall not extend any franchise or charter, or  
2 remit the forfeiture of any franchise or charter of any corporation now existing,  
3 or which shall hereafter exist under the laws of this State.

[SEC. 8. The exercise of the right of eminent domain shall never be so  
2 abridged or construed as to prevent the Legislature from taking the property  
3 and franchises of incorporated companies ~~at their own valuation, as made for~~  
4 ~~the purpose of taxation,~~ and subjecting them to public use the same as the  
5 property of individuals, and the exercise of the police power of the State shall  
6 never be so abridged or construed as to permit corporations to conduct their  
7 business in such manner as to infringe the equal rights of individuals or the  
8 general well-being of the State.]

[SEC. 9. No corporation shall engage in business other than that  
2 expressly authorized in its charter, or the law under which it may have been  
3 or may hereafter be organized; nor shall it hold any real estate for a longer  
4 period than five years, except such as may be necessary for carrying on its  
5 business.]

SEC. 10. The Legislature shall not pass any laws permitting the leasing  
2 or alienation of any franchise, so as to relieve the franchise or property held  
3 thereunder from liabilities of the lessor or grantor, lessee or grantee, con-  
4 tracted or incurred in the operation, use, or enjoyment of such franchise, or  
5 any of its privileges.

SEC. 11. No corporation shall issue stock or bonds, except for money paid, labor done, or property actually received, and all fictitious increase of stock or indebtedness shall be void. The stock and bonded indebtedness of corporations shall not be increased, except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock first obtained at a meeting called for that purpose, first giving sixty days' public notice, as may be provided by law.

[SEC. 12. In all elections for directors or managers of incorporated companies, every stockholder shall have the right to vote, in person or by proxy, for the number of shares of stock owned by him, for as many persons as there are directors or managers to be elected, or to cumulate said shares and give one candidate as many votes as the number of directors multiplied by the number of his shares of stock shall equal, or to distribute them, on the same principle, among as many candidates as he shall think fit; and such directors or managers shall not be elected in any other manner, except that members of co-operative societies formed for agricultural, mercantile, and manufacturing purposes, may vote on all questions affecting such societies in manner prescribed by law.]

SEC. 13. The State shall not subscribe to or be interested in the stock of, or in any manner loan its credit to, any person, company, association, or corporation.

[SEC. 14. Every corporation other than religious, educational, or benevolent, organized or doing business in this State, shall have and maintain an office or place in this State for the transaction of its business, where transfers of stock shall be made, and in which shall be kept, for inspection, by every person having an interest therein, and legislative committees, books in which shall be recorded the amount of capital stock subscribed, and by whom; the names of the owners of its stock, and the amounts owned by them respectively; the amount of stock paid in, and by whom; the transfers of said stock; the amount of its assets and liabilities, and the names and place of residence of its officers.]

[SEC. 15. No corporation organized outside the limits of this State shall be allowed to transact business within this State on more favorable conditions than are prescribed by law to similar corporations organized under the laws of this State. ~~The Legislature shall enforce this section by appropriate legislation.~~]

[SEC. 16. A corporation or association may be sued at the county where the contract is made or is to be performed, or where the obligation or liability arises, or breach occurs; or at the county where the principal place of business of such corporation is situated, subject to the power of the Court to change the place of trial as in other cases.]

[SEC. 17. All railroad <sup>Canal</sup> and <sup>other</sup> transportation companies shall be common carriers, and subject to legislative control. Any association or corporation, organized for the purpose under the laws of this State, shall have the right to connect at the State line with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with, or cross any other railroad, and shall receive and transport each the other's passengers, tonnage, and cars, without delay or discrimination.]

SEC. 18. No president, director, officer, agent, or employe of any railroad or canal company shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, <sup>nor</sup> ~~or~~ in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled, or worked by such company, *except such interest in the business of transportation as lawfully flows from the ownership of stock therein.*

SEC. 19. No railroad or other transportation company shall grant free passes, or passes or tickets at a discount, to any person holding any office of honor, trust, or profit in this State; and the acceptance of any such pass or ticket, by a member of the Legislature or any public officer, <sup>other than Railroad Commissioners</sup> shall work a forfeiture of his office.

[SEC. 20. No railroad company or other common carrier shall combine or make any contract with the owners of any vessel that leaves port or makes port in this State, or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying. And whenever a railroad corporation shall, for the purpose of competing with any other common carrier, lower its rates for transportation of passengers or freight from one point to another, such reduced rates shall not be again raised or increased from such standard without the consent of the governmental authority, in which shall be vested the power to regulate fares and freights, authorizing such change.]

[SEC. 21. No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of freight or passengers within this State, or coming from or going to any other State. Persons and property transported over any railroad, or by any other transportation company or individual, shall be delivered at any station, landing, or port, at charges not exceeding the charges for the transportation of persons and property of the same class, in the same direction, to any more distant station, port, or landing. Excursion and commutation tickets may be issued at special rates.]

[SEC. 22. The State shall be divided into three districts as nearly equal in population as practicable, in each of which one Railroad Commissioner shall be elected by the qualified electors of their respective districts, at the regular gubernatorial elections, whose salary shall be fixed by law, and whose term of office shall be four years. Said Commissioners shall be qualified electors of this State and of the district from which they are elected, and shall not be interested in any railroad corporation, or other transportation company, as stockholder, creditor, agent, attorney, or employe; and the act of a majority of said Commissioners shall be deemed the act of said Commission. Said Commissioners shall have the power, and it shall be their duty, to establish rates of charges for the transportation of passengers and freight by railroad or other transportation companies, and publish the same from time to time, with such changes as they may make; to examine the books, records, and papers of all railroad and other transportation companies, and for this purpose they shall have <sup>power to issue subpoenas and all other necessary process</sup> ~~process of the Courts~~; to hear and determine com-

16 complaints against railroad and other transportation companies, to send for per-  
17 sons and papers, to administer oaths, take testimony, and punish for contempt  
18 of their orders and processes, in the same manner and to the same extent as  
19 Courts of record, and enforce their decisions and correct abuses through  
20 the medium of the Courts. Said Commissioners shall prescribe a uni-  
21 form system of accounts to be kept by all such corporations and com-  
22 panies, and they shall keep their accounts according to such system. Any  
23 railroad corporation or transportation company which shall fail or refuse  
24 to conform to such rates as shall be established by such Commissioners, or  
25 shall charge rates in excess thereof, or shall fail to keep their accounts in  
26 accordance with the system prescribed by the commission, shall be fined not  
27 exceeding twenty thousand dollars for each offense, and every officer, agent,  
28 or employe of any such corporation or company, who shall demand or receive  
29 rates in excess thereof, or who shall in any manner violate the provisions of  
30 this section, shall be fined not exceeding five thousand dollars or be imprisoned  
31 in the county jail not exceeding one year. In all controversies, civil or crim-  
32 inal, the rates of fares and freights established by said Commission shall be  
33 deemed conclusively just and reasonable; and in any action against such cor-  
34 poration or company for damages sustained by charging excessive rates, the  
35 plaintiff, in addition to the actual damage, may, in the discretion of the Judge  
36 or jury, recover exemplary damages. Said Commission shall report to the  
37 Governor, annually, their proceedings, and such other facts as may be deemed  
38 important. Nothing in this section shall prevent individuals from maintain-  
39 ing actions against any of such companies. The Legislature may, in addition  
40 to any penalties herein prescribed, enforce this article by forfeiture of charter  
41 or otherwise, and may confer such further powers on the Commissioners as  
42 shall be necessary to enable them to perform the duties enjoined on them in  
43 this and the foregoing section. The Legislature shall have power, by a two-  
44 thirds vote of all the members elected to each House, to remove any one or  
45 more of said Commissioners from office, for dereliction of duty, or corruption,  
46 or incompetency; and whenever from any cause a vacancy in office shall occur  
47 in said Commission, the Governor shall fill the same by the appointment of a  
48 qualified person thereto, who shall hold office for the residue of the unexpired  
49 term, and until his successor shall have been elected and qualified.

SEC. 23. Until the Legislature shall district the State, the following  
2 shall be the railroad districts: The First District shall be composed of the  
3 Counties of Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado,  
4 Humboldt, Lake, Lassen, Mendocino, Modoc, Napa, Nevada, Placer, Plumas,  
5 Sacramento, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trin-  
6 ity, Yolo, and Yuba, from which one Railroad Commissioner shall be elected.  
7 The Second District shall be composed of the Counties of Marin, San Fran-  
8 cisco, and San Mateo, from which one Railroad Commissioner shall be elected.  
9 The Third District shall be composed of the Counties of Alameda, Contra  
10 Costa, Fresno, Inyo, Kern, Los Angeles, Mariposa, Merced, Mono, Monterey,  
11 San Benito, San Bernardino, San Diego, San Joaquin, San Luis Obispo, Santa  
12 Barbara, Santa Clara, Santa Cruz, Stanislaus, Tulare, Tuolumne, and Ven-  
13 tura, from which one Railroad Commissioner shall be elected.

SEC. 24. The Legislature shall pass all laws necessary for the enforce-  
2 ment of the provisions of this article.



Amendment No 444

Feb 1, 1879

Corporations

INTRODUCED BY COMMITTEE ON PARDONING POWER.

~~October 30th, 1878.~~AS AMENDED IN ~~COMMITTEE OF THE WHOLE~~ *Conference & ordered**On passed for a second reading*  
*Jan 29th 1879*  
ARTICLE V

SECTION ~~12~~ The Governor shall have the power to grant reprieves, pardons, and commutations of sentence, after conviction, for all offenses except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations, as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, the Governor shall have power to suspend the execution of the sentence until the case shall be reported to the Legislature, at its next meeting, when the Legislature shall either pardon, direct the execution of the sentence, or grant a further reprieve. The Governor shall communicate to the Legislature, at the beginning of every session, every case of reprieve or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence, and its date; the date of the pardon and reprieve, and the reasons for granting the same. Neither the Governor nor the Legislature shall have power to grant pardons, or commutations of sentence, in any case where the convict has been previously twice convicted of felony, *unless upon the written recommendation of a majority of the Judges of the Supreme Court*

Action of Committee

Jan. 29, 1879

Amendment  
(Governors) Pardoning  
Power

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Amendment.

No. 454.

AMENDMENT OF COMMITTEE ON CHINESE.

*July 1st 1879*

AS AMENDED IN COMMITTEE OF THE WHOLE.

*Adopted in Convention and ordered engrained for a second reading*

RELATIVE TO CHINESE.

ARTICLE —.

SECTION 1. The Legislature shall have and shall exercise the power  
2 to enact all needful laws, and prescribe necessary regulations for the protec-  
3 tion of the State, and the counties, cities, and towns thereof, from the burdens  
4 and evils arising from the presence of aliens, who are or who may become  
5 vagrants, paupers, mendicants, criminals, or invalids afflicted with contagious  
6 or infectious diseases, and aliens otherwise dangerous or detrimental to the  
7 well-being or peace of the State, and to impose conditions upon which such  
8 persons may reside in the State, and to provide the means and mode of their  
9 removal from the State upon failure or refusal to comply with such condi-  
10 tions; *provided*, that nothing contained in the foregoing shall be construed to  
11 impair or limit the power of the Legislature to pass such other police laws or  
12 regulations as it may deem necessary.

~~Section one, as amended by Mr. Ayers, and adopted:~~

[SECTION 1. The Legislature shall prescribe necessary regulations for  
2 the protection of the State, and the counties, cities, and towns thereof, from

3 the burdens and evils arising from the presence of aliens, who are or who may  
4 become vagrants, paupers, mendicants, criminals, or invalids afflicted with  
5 contagious or infectious diseases, and aliens otherwise dangerous or detri-  
6 mental to the well-being or peace of the State, and to impose conditions upon  
7 which such persons may reside in the State, and to provide the means and  
8 mode of their removal from the State upon failure or refusal to comply with  
9 such conditions; *provided*, that nothing contained in the foregoing shall be  
10 construed to impair or limit the power of the Legislature to pass such ~~other~~  
11 police laws or regulations as it may deem necessary.]

~~SEC. 2. Any corporation incorporated by or under the laws of this  
2 State, or doing business in this State, shall forfeit its franchises, and all legal  
3 rights thereunder, if it ever employs, in any capacity whatever, foreigners  
4 who are not eligible to become citizens of the United States under the laws  
5 of Congress. This section shall be enforced by appropriate legislation.~~

~~Section two, as amended by Messrs. Terry and G. V. Smith of Fourth  
District, and adopted:~~

*Sec 2* [No corporation now existing or hereafter formed under the laws of  
2 this State, shall, after the adoption of this Constitution, employ, directly or  
3 indirectly, in any capacity, any Chinese or Mongolian. The Legislature shall  
4 pass such laws as may be necessary to enforce this provision.]

~~SEC. 3. No alien ineligible to become a citizen of the United States  
2 shall ever be employed on any State, county, municipal, or other public work  
3 in this State after the adoption of this Constitution.~~

~~Section three, as amended by Messrs. Reynolds, Hager, and Barbour,  
and adopted:~~

[SEC. 3. No Chinese shall be employed on any State, county, municipal,  
2 or other public work, except in punishment for crimes.]

SEC. 4. All further immigration to this State of Chinese, and all  
2 other persons ineligible to become citizens of the United under the naturali-  
3 zation laws thereof, is hereby prohibited. The Legislature shall provide for  
4 the enforcement of this section by appropriate legislation.

On motion of Mr. Rolfe the above section (4) was struck out.

4 SEC. 5. No person who is not eligible to become a citizen of the  
2 United States shall be permitted to settle in this State after the adoption of  
3 this Constitution.

SEC. 6. Foreigners ineligible to become citizens of the United States  
2 shall not have the right to sue or be sued in any of the Courts of this State,  
3 and any lawyer appearing for or against them, or any of them, in a civil pro-  
4 ceeding, shall forfeit his license to practice law. No such foreigner shall be  
5 granted license to carry on any business, trade, or occupation in this State,  
6 nor shall such license be granted to any person or corporation employing them.  
7 No such foreigner shall have the right to catch fish in any of the waters under  
8 the jurisdiction of the State; nor to purchase, own, or lease real property in  
9 this State, and all contracts of conveyance or lease of real estate to any such  
10 foreigners shall be void.

Section six, as amended by Mr. Reynolds, and adopted.

5 [SEC. 6. No alien ineligible to become citizens of the United States  
2 shall be permitted to catch fish in any waters under the jurisdiction of this  
3 State; nor to purchase, lease, own, or hold any real property in this State  
4 and all contracts of conveyance or lease of real property to any such alien  
5 shall be void.]

~~SEC. 7. The presence of foreigners ineligible to become citizens of the  
2 United States is declared herein to be dangerous to the well-being of the State,  
3 and the Legislature shall discourage their immigration by all the means  
4 within its power. It shall provide for their exclusion from residence or  
5 settlement in any portion of the State it may see fit, or from the State, and  
6 provide suitable methods, by their taxation or otherwise, for the expense of  
7 such exclusion. It shall prescribe suitable penalties for the punishment of  
8 persons convicted of introducing them within forbidden limits. It shall dele-  
9 gate all necessary power to the incorporated cities and towns of this State for  
10 their removal without the limits of such cities and towns.~~

~~Section seven, as amended by Messrs. Larue, Barry, Winans, Ayers,  
and Belcher, and adopted:~~

6  
[SEC 7. The presence of foreigners ineligible to become citizens of the  
2 United States is declared herein to be dangerous to the well-being of the State,  
3 and the Legislature shall discourage their immigration by all the means  
4 within its power. Asiatic coolieism being a form of human slavery, is forever  
5 prohibited in this State, and all contracts for coolie labor are null and void.  
6 All companies or corporations, whether formed in this country or any foreign  
7 country for the importation of such labor, shall be subject to such penalties as  
8 the Legislature may prescribe. The Legislature shall delegate all necessary  
9 power to the incorporated cities and towns of this State, for the removal of  
10 Chinese without the limits of such cities and towns, or their location within  
11 prescribed portions of those limits, and it shall also provide the necessary  
12 legislation to prohibit the introduction into this State of Chinese after the  
13 adoption of this Constitution. This section shall be enforced by appropriate  
14 legislation.

SEC. 8. Public officers within this State are forbidden to employ  
2 Chinese in any capacity whatever. Violation of this provision shall be ground  
3 for removal from office; and no person shall be eligible to any office in this  
4 State who, at the time of election and for three months before, employed  
5 Chinese.

~~On motion of Mr. Howard the above section (8) was struck out.~~

SEC. 9. The exercise of the right of suffrage shall be denied to any  
2 person employing Chinese in this State, and it shall be a sufficient challenge  
3 that the person offering to vote is employing Chinese, or has employed them  
4 within three months next preceding the election.

~~On motion of Mr. Howard the above section (9) was struck out.~~



A-a

~~Amendment.~~

~~No. 468.~~

~~INTRODUCED BY COMMITTEE ON EXECUTIVE DEPARTMENT.~~

~~NOVEMBER 25, 1878.~~

AS AMENDED IN ~~COMMITTEE~~ *convention*

*ordered en gressu from a second reading*  
*Jan 29 - 1879*  
ARTICLE V.

EXECUTIVE DEPARTMENT.

SECTION 1. The supreme executive power of this State shall be vested  
2 in a Chief Magistrate, who shall be styled the Governor of the State of Cali-  
3 fornia.

SEC. 2. The Governor shall be elected by the qualified electors, at the  
2 time and places of voting for members of the Assembly, and shall hold his  
3 office four years from and after the Monday after the first Tuesday in January  
4 subsequent to his election, and until his successor is elected and qualified.

SEC. 3. No person shall be eligible to the office of Governor who has  
2 not been a citizen of the United States and a resident of this State five years  
3 next preceding the election, and attained the age of twenty-five years at the  
4 time of said election.

SEC. 4. The returns of every election for Governor shall be sealed up  
2 and transmitted to the seat of Government, directed to the Speaker of the  
3 Assembly, who shall, during the first week of the session, open and publish

4 them in the presence of both Houses of the Legislature. The person having  
5 the highest number of votes shall be Governor; but, in case any two or more  
6 have an equal and the highest number of votes, the Legislature shall, by joint  
7 vote of both Houses, choose one of said persons so having an equal and the  
8 highest number of votes for Governor.

SEC. 5. The Governor shall be Commander-in-Chief of the militia,  
2 the army and navy of this State.

SEC. 6. He shall transact all executive business with the officers of gov-  
2 ernment, civil and military, and may require information, in writing, from the  
3 officers of the executive department, upon any subject relating to the duties  
4 of their respective offices.

SEC. 7. He shall see that the laws are faithfully executed.

SEC. 8. When any office shall, from any cause, become vacant, and no  
2 mode is provided by the Constitution and law for filling such vacancy, the  
3 Governor shall have power to fill such vacancy by granting a commission,  
4 which shall expire at the end of the next session of the Legislature, or at the  
5 next election by the people.

SEC. 9. He may, on extraordinary occasions, convene the Legislature  
2 by proclamation, stating the purposes for which he has convened it, and when  
3 so convened it shall have no power to legislate on any subjects other than  
4 those specified in the proclamation, but may provide for the expenses of the  
5 session and other matters incidental thereto.

SEC. 10. He shall communicate by message to the Legislature, at  
2 every session, the condition of the State, and recommend such matters as he  
3 shall deem expedient.

SEC. 11. In case of a disagreement between the two Houses with  
 2 respect to the time of adjournment, the Governor shall have power to adjourn  
 3 the Legislature to such time as he may think proper; *provided*, it be not  
 4 beyond the time fixed for the meeting of the next Legislature.

SEC. 12. No person shall, while holding any office under the United  
 2 States or this State, exercise the office of Governor except as hereinafter  
 3 expressly provided.

SEC. 13. There shall be a seal of this State, which shall be kept by  
 2 the Governor, and used by him officially, and shall be called "The Great  
 3 Seal of the State of California."

SEC. 14. All grants and commissions shall be in the name and by the  
 2 authority of The People of the State of California, sealed with the great seal  
 3 of the State, signed by the Governor, and countersigned by the Secretary of  
 4 State.

SEC. 15. A Lieutenant-Governor shall be elected at the same time and  
 2 places, and in the same manner, as the Governor; and his term of office and  
 3 his qualifications of eligibility shall also be the same. He shall be President  
 4 of the Senate, but shall only have a casting vote therein. If, during a vacancy  
 5 of the office of Governor, the Lieutenant-Governor shall be impeached, dis-  
 6 placed, resign, die, or become incapable of performing the duties of his office,  
 7 or be absent from the State, the President pro tem. of the Senate shall act as  
 8 Governor until the vacancy be filled or the disability shall cease. The Lieu-  
 9 tenant-Governor shall be disqualified from holding any other office, except as  
 10 specially provided in this Constitution, during the term for which he shall  
 11 have been elected.

SEC. 16. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of the said office, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant-Governor for the residue of the term, or until the disability shall cease. But when the Governor shall, with the consent of the Legislature, be out of the State in time of war, at the head of any military force thereof, he shall continue Commander-in-Chief of all the military force in the State.

SEC. 17. A Secretary of State, a Controller, a Treasurer, an Attorney-General, and a Surveyor-General shall be elected at the same time and places, and in the same manner as the Governor and Lieutenant-Governor, and whose term of office shall be the same as the Governor.

SEC. 18. The Secretary of State shall keep a correct record of the official acts of the Legislative and Executive Departments of the Government, and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislature, and shall perform such other duties as may be assigned him by law.

SEC. 19. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, and Surveyor-General shall each, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected, which compensation is hereby fixed for the following officers for the two terms next ensuing the adoption of this Constitution, as follows: Governor, six thousand dollars per annum; Lieutenant-Governor, the same per diem as may be provided by law for the Speaker of the Assembly, to be allowed only during the session of the Legislature; the

10 Secretary of State, Controller, Treasurer, Attorney-General, and Surveyor-  
 11 General, three thousand dollars each per annum, said compensation to be in  
 12 full for all services by them respectively rendered in any official capacity or  
 13 employment whatsoever during their respective terms of office; *provided,*  
 14 *however,* that the Legislature, after the expiration of the terms hereinbefore  
 15 mentioned, may by law diminish the compensation of any or all of said officers,  
 16 but in no case shall have the power to increase the same above the sums  
 17 hereby fixed by this Constitution. No salary shall be authorized by law for  
 18 clerical service in any office provided for in this article, exceeding sixteen  
 19 hundred dollars per annum. <sup>*for each clerk employed*</sup> The Legislature may, in its discretion, abolish  
 20 the office of Surveyor-General; and none of the officers hereinbefore named  
 21 shall receive for their own use any fees or perquisites for the performance of  
 22 any official duty.

Sec 20. The Governor shall not during  
 his term of office be elected a Senator  
 to the Senate of the United States

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INTRODUCED BY COMMITTEE ON MILITARY AFFAIRS.

AS AMENDED IN COMMITTEE OF THE WHOLE.

ARTICLE VII.

MILITIA.

- SECTION 1. Organizing and disciplining the militia.
2. Officers, how elected or appointed.
  3. Removal of general officers.
  4. Governor to be Commander-in-Chief, and to call out the militia.
  5. Exemptions.
  6. Provision to be made for wounded and disabled members of militia.

SECTION 1. The Legislature shall provide by law for organizing and disciplining the militia, in such manner as they may deem expedient, not incompatible with the Constitution and laws of the United States.

4 [Officers of the militia shall be elected or appointed in such manner  
5 as the Legislature shall from time to time direct, and shall be commissioned  
6 by the Governor. The Governor shall have power to call forth the militia to  
7 execute the laws of the State, to suppress insurrections, and repel invasions.]

Section 2. All military organizations provided for by this Constitution or any law of this State and receiving State support, shall, while under arms either for ceremony or duty, carry no device, banner or flag of any state or nation except that of the United States or the State of California